

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DISTRICT

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 4:16-CR-00537-RLW
)	
MATTHEW G. PARTAIN)	
)	
Defendant.)	

GOVERNMENT'S RESPONSE TO DEFENDANT'S SENTENCING MEMORANDUM

COME NOW Jeffrey B. Jensen, Acting United States Attorney for the Eastern District of Missouri, and Gilbert C. Sison, Assistant United States Attorney for said District, and hereby files the instant response to the Defendant's Sentencing Memorandum. In support thereof, the Government states as follows:

The Defendant's advisory guideline range is 51 to 63 months. (Doc. 58, ¶ 69). In his Sentencing Memorandum, the Defendant is requesting a non-custodial sentence, which would represent a variance from his advisory guideline range.

The Government acknowledges that there are valid 3553 (a) factors that the Court should consider in imposing a just sentence. The Government furthermore does not dispute the facts underlying those factors as outlined in the Defendant's sentencing memorandum. For example, it appears that the Defendant's history and characteristics, specifically his difficult family history growing up, recent marriage, and the lack of any criminal history whatsoever save for the instant offense, arguably warrant a potential mitigation in the Defendant's favor.

That being said, the Government notes that the Court must also balance the Defendant's history and characteristics with "the nature and circumstance of the offense" and the need for the sentence to "reflect the seriousness of the offense." 18 U.S.C. § 3553 (a)(1) and (a)(2)(A). The Defendant intentionally sought out and possessed significant quantities of child pornography, thus contributing to the demand for such files. The continued demand for child pornography, in turn, promotes the market for the trade in such files, which inevitably results in the continuation of illegal activities designed to create more child pornography to satisfy the demand. And, the continuation of such activities obviously puts the most vulnerable members of society at risk, *i.e.*, minors. As the Court analyzes the 3553 (a) factors, the Government requests that the Court properly take into account the negative impact to society and to minors of the Defendant's crime in arriving at a just and reasonable sentence.

Dated: October 18, 2017.

Respectfully submitted,

JEFFREY B. JENSEN
United States Attorney

s/Gilbert C. Sison
GILBERT C. SISON, #52346MO
Assistant United States Attorney
111 S. 10th Street, Room 20.333
St. Louis, Missouri 63102
Telephone: (314) 539-2200
Facsimile: (314) 539-2309
E-mail: gilbert.sison@usdoj.gov

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DISTRICT

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 4:16-CR-00537-RLW
)	
MATTHEW G. PARTAIN)	
)	
Defendant.)	

CERTIFICATE OF SERVICE

I hereby certify that on October 18, 2017, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon the following counsel of record:

Mr. Michael K. Kielty – MichaelKKielty@yahoo.com

Mr. Bryan S. Johnson – brysjohn@yahoo.com

Attorneys for Defendant, Mathew G. Partain

s/ Gilbert C. Sison
GILBERT C. SISON, #52346MO
Assistant United States Attorney
111 South 10th Street, Room 20.333
St. Louis, MO 63102
Telephone: (314) 539-2200
Facsimile: (314) 539-2020
E-mail: gilbert.sison@usdoj.gov